

REMARKS

Claims 1-9, 13-25, 28-30 and 35 currently appear in this application. The Office Action of July 7, 2006, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 1, 2, 13-25 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotake et al., WO9909053.

This rejection is respectfully traversed. Submitted herewith is an English translation of the two priority documents (JP 20523/1999 and JP 283163/1999) of the present application. Because the filing date of JP 20523, January 28, 1999, predates the publication date of Kotake et al., February 25, 1999, it is respectfully submitted that Kotake et al. has been removed as a reference.

Claims 1, 13-21, 24 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotake et al.

This rejection is respectfully traversed. As noted above, the priority document for the present application predates the publication date of Kotake et al.

Claims 1-5, 13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bold, U.S. 5,643,878.

This rejection is respectfully traversed. All of the Bold compounds have a -C(O)-morpholino moiety at a position corresponding to formula 1 of the present claims.

Claim 1 does not recite that R₁₁ can be a -C(O)-morpholino moiety. This is clear from a previous amendment, filed April 26, 2005, in which the recitation "or R₁₄ and R₁₅, as N(R₁₄)R₁₅, form optionally substituted 3 to 7 membered cyclic amine" from claim 12. To make this more clear, claim 1 has been amended to recite, "R₁₄ and R₁₅, which may be the same or different, are each hydrogen...". [emphasis added]

Additionally all three compounds to which the Examiner refers have a substituted C₄ alkyl group corresponding to R₇ of formula 1 as claimed herein. Claim 1 of the present application recites, "R₇ is... optionally substituted straight-chained or branched C₁₋₃ alkyl." [emphasis added] Thus, the compound as claimed herein does not have a C₄ alkyl group as R₇.

Moreover, as described at page 12, line 21 to page 13, line 2 (especially page 12, lines 23-27) of the specification as filed, the substituent of the optionally substituted straight-chained or branched C₁₋₃ alkyl as R₇ is halogen, hydroxyl or amino, and therefore, this does not include the substituents found in the compounds of Bold et al., such as -NH-(C=O)-t-Bu or phenyl. New claim 35 clarifies this point. Support can be found for new claim 35 in the specification as filed at page 12, lines 23-27.

Claims 1, 2, 13 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bold et al.

This rejection is respectfully traversed. As described above, the compounds claimed herein are completely different from those described by Bold, since they differ not only in R₁₄ and R₁₅, but also in R₇.

Appln. No. 09/890,219
Amd. dated September 21, 2006
Reply to Office Action of July 6, 2006

Claims 1, 2, 13-25 and 29 are rejected under 35
U.S.C. 103(a) as being unpatentable over Kotake et al.

This rejection is respectfully traversed. As noted
above, the priority document of the present application, a
certified copy of which is submitted herewith, provides
evidence that the present application predates Kotake et al.

In view of the above, it is respectfully submitted
that the claims are now in condition for allowance, and
favorable action thereon is earnestly solicited.

Respectfully submitted,

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